

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-227-CJS

RICHARD PETIX,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

WHEREAS on April 26, 2017, the defendant, RICHARD PETIX, pled guilty to Counts 1 and 2 of the Superseding Indictment, charging a violation of Title 18, United States Code, Sections 1001(a)(2) and 1960, and

WHEREAS from the defendant's conviction on these counts, the underlying conduct that is the basis for Count 2, and based upon the Motion for Preliminary Order of Forfeiture and Memorandum in Support Thereof, the government has established the requisite nexus between the property and the offense committed by the defendant, and therefore that the following property is subject to forfeiture:

ELECTRONIC EQUIPMENT:

- a. One (1) Samsung Galaxy S5, model SM-S902L, cellular telephone, bearing IMEI number 990005823326880;
- b. One (1) ASUS laptop computer, model G752V, bearing serial number FAN0CY92217844A; and
- c. Six (6) assorted thumb drives, seized from the defendant by Homeland Security Investigations (HSI) Agents on December 3, 2015.

MONETARY AMOUNT:

- a. The sum of one hundred eighty-nine thousand, eight hundred sixty-two dollars and ninety-six cents (\$189,862.96) in United States currency, to be evidenced by a monetary judgment issued by this Court in aforesaid amount. Said judgment amount will accrue at the prevailing rate per annum and serve as a judgment and lien against defendant's property, wherever situated until fully satisfied.

NOW, THEREFORE, pursuant to Federal Rule of Criminal Procedure 32.2 (b)(2) and Title 18, United States Code, Section 982(1)(1), and the incorporated procedures of Title 21, United States Code, Section 853, it is hereby

ORDERED, ADJUDGED, and DECREED that pursuant to Title 21, United States Code, Section 853(c) and (e) through (p), the above listed property and/or any interest therein is hereby condemned and forfeited to the United States of America and shall be disposed of according to law; and it is further

ORDERED, ADJUDGED, and DECREED that this Order shall serve as a judgment in favor of the United States of America regarding any and all of the defendant's right, title, and interest in the above-described property. The property is hereby condemned and forfeited to the United States of America and shall be disposed of according to law, and the United States of America shall seize the aforementioned property, and shall protect the interests of the Government in the property ordered forfeited, by providing a copy of this Order to any person or entity that has possession of, or jurisdiction over, the forfeited interests and by taking all steps necessary and appropriate to protect the interests of the United States of America, including the taking of actual possession of the property; and it is further

ORDERED, ADJUDGED, and DECREED, pursuant to Title 21, United States Code, Section 853(h), that following the seizure of the property ordered forfeited, the Attorney General, through the United States Attorney's Office and/or any other duly authorized federal agency, shall direct the disposition of the property, making due provision for the rights of any innocent persons; and it is further

ORDERED, ADJUDGED, and DECREED that pursuant to Title 21, United States Code, Section 853(n)(1), the United States shall publish notice of this Order, as it pertains to the electronic equipment only, and of its intent to dispose of the property in such manner as the Attorney General, through the United States Attorney's Office and/or any other duly authorized federal agency, may direct, and provide notice that any person other than the defendant having or claiming a legal interest in the above forfeited property must file a petition with the court within thirty (30) days of the final publication of notice, or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition: (1) shall request a hearing to adjudicate the validity of the petitioner's alleged interest in the property; (2) shall be signed by the petitioner under penalty of perjury; (3) shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property; and (4) shall state any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in any of the property that is the subject of the Order of Forfeiture as a substitute for published notice as to those persons so notified; and it is further


ORDERED, ADJUDGED, AND DECREED that if a Final Order of Forfeiture is issued concerning the subject property, the United States Customs and Border Protection and/or any other duly authorized federal agency shall dispose of the forfeited property according to law; and it is further

ORDERED, ADJUDGED, AND DECREED that upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Title 18, United States Code, Section 981(a)(1); and it is further noted

Pursuant to Federal Rules of Criminal Procedure Rule 32.2(c)(1), no ancillary proceeding is required for the money judgment referenced above.

SO ORDERED.

DATED: July 11, 2017.
Buffalo, New York



CHARLES J. SIRAGUSA
United States District Judge